

Serial No.: 10/005,968

Attorney Docket No.: 2001P4224US01 US**REMARKS**

Upon entry of the instant Amendment, Claims 1-14 are pending. Claims 1, 3, 5, 8, 11, and 14 have been amended to more particularly point out Applicants' invention. Claim 3 also has been amended to correct a typographical error.

Claims 1-3, 5, 6, and 8-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al., U.S. Patent No 5,296,821 ("Peterson"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Peterson.

As discussed in the Specification, an aspect of the present invention relates to power control in a telecommunications system. In certain embodiments, the invention includes a transmitter including a coupler to measure output power. The output power is compared to a set value and a low power threshold. If the power is above the threshold, the gain of an output amplifier is adjusted toward the set value. If the power is below the threshold, the slope of the linear portion is used to obtain the set power level.

Thus, claim 1 has been amended to recite "a power controller adapted to receive a coupler value of a power level at said output of said power amplifier if said power level is above a predetermined low power threshold and, if the coupler value is not equal to a set value, adjust a control value until the coupler value substantially equals the set value; and perform a low power extrapolation if said power level is below a predetermined threshold;" claim 3 recites "adjusting said transmit DAC such that said output matches said nominal value; extrapolating past transmit DAC values to set said transmit DAC if said set power level is less than a predetermined low power threshold;" claim 5 recites "means for adjusting a gain level of said variable gain amplifier based on a coupler output value if said power measurement is greater than a predetermined low power threshold;" claim 8 recites "a power controller adapted to adjust a power level

Serial No.: 10/005,968

Attorney Docket No.: 2001P4224US01 US

based on a low power extrapolation of a power measurement if said power level is below a predetermined low power threshold;" claim 11 recites "a level detector adapted to determine a power level with respect to a low power threshold; a power controller adapted to adjust a power level based on a low power extrapolation of a coupler output if said power level is below said low power threshold;" and claim 14 recites "a power controller adapted to adjust a value of said transmit DAC based on a low power extrapolation of a coupler output if said power level is below said low power threshold; and wherein said power controller is adapted to adjust a value of said transmit DAC based on said output of said power coupler if said set power level is above said low power threshold."

In contrast, as discussed in response to the previous Official Action, Peterson does not appear to relate, for example, to performing an extrapolation for a power level control if it is below a low power threshold. Indeed, Peterson has nothing to do with such a low power threshold. Contrary to the suggestion in the Official Action, the "default reference level" of Peterson is neither a threshold nor a low power threshold. As discussed in Column 5 of Peterson, if the requested power level is substantially equal to a previous power level, a first reference level is retrieved from memory. The first reference level is used to determine a first ramp up response (e.g., 604 in FIG. 6). If the requested power level is not substantially equal to a previous power level, then Peterson will use a second default or a perform an extrapolation to determine the first ramp up response.

As discussed in response to the previous Official Action, the default reference level is not a threshold. Indeed, it can be any power level that was previously used, regardless of magnitude, which is antithetical to the entire concept of "threshold." That is, the "previous power level" is any power level that happens to be stored in memory, i.e., if power adjustment has not been requested before (See Col. 4, lines 31-35).

Performance in Peterson is thus not in any sense based a threshold power level.

Furthermore, it is readily apparent that Peterson has nothing to do with a "low

Serial No.: 10/005,968

Attorney Docket No.: 2001P4224US01 US

power threshold," since Peterson is concerned only with previous power levels and whether an existing power level is "substantially equal" it – that is, whether the power level is a high level or low level is irrelevant to Peterson. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 4 and 7 have been rejected under 35 U.S.C. 103 as being unpatentable over Peterson in view of Medl, et al., U.S. Patent No. 6,711,389 ("Medl"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Peterson or Medl, either singly or in combination. Peterson has been discussed above. Medl is relied on merely for showing a linear region in a power vs. vga graph. However, like Peterson, Medl does not appear to have anything to do with, inter alia, the recited threshold or treatments above and below such a threshold. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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